

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BARBARA TAVRES,
Plaintiff,

v.

BARNES & NOBLE, INC.,
Defendant.

Case No. [19-cv-07655-EMC](#)

ORDER RE STATUS REPORT

Docket No. 86

The Court has reviewed the status report filed by the parties at Docket No. 86. Having reviewed such, the Court hereby orders as follows.

1. With respect to the reopening of Ms. Tavres's deposition, B&N may depose Ms. Tavres for up to two (2) hours.
2. Regarding the testimony of Dr. Gelbach (now that Ms. Tavres is dropping her disparate impact claim), the Court finds that it is conditionally relevant. Dr. Gelbach's testimony regarding a disparate impact is relevant to the disparate treatment claim only if Ms. Tavres can show that the disparate impact is connected to the decisionmakers who allegedly had the discriminatory intent. At trial, Ms. Tavres will have to lay a predicate tying the disparate impact to the alleged discriminators in order for Mr. Gelbach's testimony to be admissible, whether under Rule 402 and/or Rule 403.

IT IS SO ORDERED.

Dated: August 4, 2021



EDWARD M. CHEN
United States District Judge